

87th Legislative Session – 2012

Committee: House Commerce and Energy

Monday, January 30, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Fargen
P Greenfield
P Hawley
P Hubbel
P Jensen
P Jones
P Kirschman
P Miller
P Novstrup (David)
P Scott
P Willadsen
P Conzet, Vice-Chair
P Solum, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Solum.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 25, 2012

Moved by: Greenfield
Second by: Conzet
Action: Prevailed by voice vote.

HB 1035: allow the disclosure of the status of certain insurance investigations and examinations.

Presented by: Randy Moses, Department of Labor and Regulation
Proponents: Dick Gregerson, American Council of Life Ins.
Dick Tieszen, State Farm Insurance

MOTION: AMEND HB 1035

1035sa

On page 1, line 8, of the printed bill, after "." insert "Confidential information shared with the director may not be disclosed. However, nothing in this section prevents the director from providing a copy of licensee responses or other materials submitted by a licensee to complaints or inquiries if the response or materials are not specifically marked confidential. This Act does not apply to investigations conducted pursuant to chapter 58-4A.

Section 2. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in sections 2 to 6, inclusive of this Act, mean:

- (1) "Return information," any information collected, prepared or received by the Division which relates to a return, including the nature or amount of a taxpayer's income, receipts, deductions, net worth, tax liability, or deficiencies, or any part of any written determination or background file documents relating to such information. The term does not include data in a form which cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer;
- (2) "Returns," all tax returns, tax reports or claims for refund which are filed with the Division.

Section 3. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

Each list of premium taxpayers compiled by the Division is confidential. It is a Class 2 misdemeanor to disclose any list except to the extent necessary to carry out the official duties of the Division.

Section 4. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

A premium tax return and premium tax return information is confidential. It is a Class 1 misdemeanor to disclose this information except pursuant to sections 2 through 6 of this Act.

Section 5. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

A premium tax return and premium tax return information may be disclosed to the following:

- (1) The taxpayer who is required to submit the information to the Division, or his designee appointed in writing; or

- (2) As otherwise authorized by Title 58.

Section 6. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

A premium tax return and premium tax return information may be disclosed in a judicial or administrative proceeding:

- (1) If the information is directly related to the resolution of an issue in the proceeding; or
- (2) To the extent required by a judicial or administrative order."

Moved by: Willadsen
Second by: Fargen
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1035 AS AMENDED

Moved by: Willadsen
Second by: Conzet
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Fargen, Greenfield, Hawley, Hubbel, Jensen, Jones, Miller, Novstrup (David), Scott, Willadsen, Conzet, Solum

Excused: Kirschman

MOTION: PLACE HB 1035 ON CONSENT CALENDAR

Moved by: Miller
Second by: Willadsen
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1139 UNTIL WEDNESDAY, FEBRUARY 1, 2012

HB 1059: revise Article 9 of the Uniform Commercial Code.

Presented by: Representative David Lust
Proponents: Brett Koenecke, SD Bankers Association (Handouts: A &B)

MOTION: AMEND HB 1059

1059ja

On page 49, between lines 5 and 6 of the printed bill, insert:

" Section 9-801. This Act takes effect on July 1, 2013."

Moved by: Conzet
Second by: Greenfield
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1059 AS AMENDED

Moved by: Jensen
Second by: Fargen
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Fargen, Greenfield, Hawley, Hubbel, Jensen, Jones, Miller, Novstrup (David), Scott, Willadsen, Conzet, Solum

Excused: Kirschman

MOTION: PLACE HB 1059 ON CONSENT CALENDAR

Moved by: Jensen
Action: Was not acted on.

HB 1109: require complaints made to the Department of Labor and Regulation regarding appraisers to be written and include the name of the person making the complaint and a factual basis for the complaint.

Presented by: Representative Bernie Hunhoff (Handouts: #3)
Proponents: James Bailey, Self, Sioux Falls
Opponents: Craig Steinley, Professional Appraisers Association
Terry Leibel, ASFMRA,(South Dakota Chapter)
Nathan Lukkes, Department of Labor and Regulation

MOTION: DEFER HB 1109 TO THE 41ST LEGISLATIVE DAY

Moved by: Willadsen
Second by: Conzet
Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Greenfield, Hawley, Jensen, Miller, Novstrup (David), Scott, Willadsen, Conzet, Solum

Voting No: Fargen, Hubbel, Jones

Excused: Kirschman

HB 1120: revise certain provisions regarding the filing of claims against public improvement contracts.

Presented by: Representative Roger Solum

Proponents: Deb Mortenson, Associated General Contractors of SD, Incorporated.

The Chair passed the gavel to the Vice Chair

MOTION: DO PASS HB 1120

Moved by: Jensen

Second by: Greenfield

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Fargen, Greenfield, Hawley, Hubbel, Jensen, Jones, Kirschman, Miller, Novstrup (David), Scott, Willadsen, Conzet, Solum

MOTION: ADJOURN

Moved by: Fargen

Second by: Greenfield

Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Roger D. Solum, Chair